

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Shannon A. Quinn
Andrea R. Quinn
aka Andrea R Graeb**
Debtor(s)

Bankruptcy Case No.: 15-11382-TPA
Per November 15, 2016 Proceeding
Chapter: 13
Docket No.: 31 – 27, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 14, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Lakeview Loan Servicing (Claim No. 7) and Wells Fargo Financial (Claim No. 15) without interest .
- ☒ H. Additional Terms: The new modified payment terms for Fifth Third Bank (Claim No. 4) and Widget Federal Credit Union (Claim No. 11) shall be applied prospectively.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: November 21, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Shannon A. Quinn
 Andrea R. Quinn
 Debtors

Case No. 15-11382-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 32

Date Rcvd: Nov 21, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 23, 2016.

db/jdb +Shannon A. Quinn, Andrea R. Quinn, 4011 Elmwood Ave, Erie, PA 16509-1348
 14158918 +Aes/Pnc Natl City, Po Box 61047, Harrisburg, PA 17106-1047
 14158919 +Aes/Suntrust, Po Box 61047, Harrisburg, PA 17106-1047
 14158920 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)
 14158921 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 14212858 CAPITAL ONE, N.A., C/O BECKETT AND LEE LLP, PO BOX 3001, MALVERN, PA 19355-0701
 14164365 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14158922 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14158923 +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 14158924 +Comenity Bank/Express, Po Box 182789, Columbus, OH 43218-2789
 14201364 ECAST SETTLEMENT CORPORATION, PO BOX 29262, NEW YORK, NY 10087-9262
 14158925 +Fed Loan Serv, Po Box 60610, Harrisburg, PA 17106-0610
 14158926 +Fifth Third Bank, 5050 Kingsley Dr, Cincinnati, OH 45227-1115
 14167036 +Fifth Third Bank, PO Box 9013, Addison, TX 75001-9013
 14165534 +PHEAA, PO BOX 8147, HARRISBURG, PA 17105-8147
 14195768 U.S. Department of Education, C/O FedLoan Servicing, P.O.Box 69184,
 Harrisburg, PA 17106-9184
 14178725 United States Department of Education, Claims Filing Unit, P O Box 8973,
 Madison, WI 53708-8973
 14158932 +Us Dept Of Ed/Glelsi, Po Box 7860, Madison, WI 53707-7860
 14201982 +Wells Fargo Bank N A, Wells Fargo Education Financial Services, 301 E 58th Street N,
 Sioux Falls SD 57104-0422
 14206592 Wells Fargo Bank NA, PO Box 10438, Des Moines IA 50306-0438
 14158933 +Wffnatbank, Po Box 94498, Las Vegas, NV 89193-4498
 14179107 +Widget FCU, 2154 East Lake Rd, Erie, PA 16511-1140
 14158934 +Widget Financial, 2154 E Lake Rd, Erie, PA 16511-1140

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14158927 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 22 2016 02:29:14 Kohls/Capone,
 N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14158928 E-mail/Text: camanagement@mtb.com Nov 22 2016 02:29:21 M & T Bank, 1 Fountain Plz,
 Buffalo, NY 14203
 14173099 E-mail/Text: camanagement@mtb.com Nov 22 2016 02:29:21 M&T BANK, PO BOX 1288,
 Buffalo, NY 14240
 14175873 E-mail/Text: bnc-quantum@quantum3group.com Nov 22 2016 02:29:26
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14158929 +E-mail/Text: bk@revenuegroup.com Nov 22 2016 02:30:34 Revenue Group,
 4780 Hinckley Industrial, Cleveland, OH 44109-6003
 14168473 E-mail/Text: ebn_bkrt_forms@salliemae.com Nov 22 2016 02:30:32 Sallie Mae, P.O. Box 3319,
 Wilmington, DE 19804-4319
 14158930 +E-mail/Text: ebn_bkrt_forms@salliemae.com Nov 22 2016 02:30:32 Sallie Mae,
 300 Continental Dr, Newark, DE 19713-4322
 14158931 +E-mail/PDF: gecsedirecoverycorp.com Nov 22 2016 02:32:57 Synchb/Oldnavydc, Po Box 965005,
 Orlando, FL 32896-5005
 14230519 E-mail/PDF: gecsedirecoverycorp.com Nov 22 2016 02:32:38 Synchrony Bank,
 c/o Recovery Management Systems Corp, 25 SE 2nd Ave Suite 1120, Miami FL 33131-1605
 TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Lakeview Loan Servicing, LLC
 14158935* +Aes/Pnc Natl City, Po Box 61047, Harrisburg, PA 17106-1047
 14158936* +Aes/Suntrust, Po Box 61047, Harrisburg, PA 17106-1047
 14158937* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982238, El Paso, TX 79998)
 14158938* ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One Bank Usa N, 15000 Capital One Dr,
 Richmond, VA 23238)
 14158939* +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 14158940* +Citi, Po Box 6241, Sioux Falls, SD 57117-6241
 14158941* +Comenity Bank/Express, Po Box 182789, Columbus, OH 43218-2789
 14158942* +Fed Loan Serv, Po Box 60610, Harrisburg, PA 17106-0610
 14158943* +Fifth Third Bank, 5050 Kingsley Dr, Cincinnati, OH 45227-1115
 14158944* +Kohls/Capone, N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
 14158945* ++M&T BANK, LEGAL DOCUMENT PROCESSING, 1100 WHERLE DRIVE, WILLIAMSVILLE NY 14221-7748
 (address filed with court: M & T Bank, 1 Fountain Plz, Buffalo, NY 14203)
 14158946* +Revenue Group, 4780 Hinckley Industrial, Cleveland, OH 44109-6003
 14158947* +Sallie Mae, 300 Continental Dr, Newark, DE 19713-4322
 14158948* +Synchb/Oldnavydc, Po Box 965005, Orlando, FL 32896-5005
 14158949* +Us Dept Of Ed/Glelsi, Po Box 7860, Madison, WI 53707-7860
 14158950* +Wffnatbank, Po Box 94498, Las Vegas, NV 89193-4498

District/off: 0315-1

User: vson
Form ID: 149

Page 2 of 2
Total Noticed: 32

Date Rcvd: Nov 21, 2016

***** BYPASSED RECIPIENTS (continued) *****
14158951* +Widget Financial, 2154 E Lake Rd, Erie, PA 16511-1140

TOTALS: 1, * 17, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 23, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 21, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor Lakeview Loan Servicing, LLC agornall@goldbecklaw.com,
bkgroup@goldbecklaw.com/bkgroup@kmlawgroup.com
Office of the United States Trustee ustregion03.pi.ecf@usdoj.gov
Rebeka Seelinger on behalf of Joint Debtor Andrea R. Quinn rebeka@seelingerlaw.com
Rebeka Seelinger on behalf of Debtor Shannon A. Quinn rebeka@seelingerlaw.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5